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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 THE UNITED STATES OF AMERICA,

11 Case No.: 2:23-CR-00188 WBS

12 Plaintiff,

13 vs.

14 STIPULATION AND ORDER TO  
15 CONTINUE STATUS CONFERENCE

16 Y THI NHU LE AND BEN VAN PHAN,

17 Defendants.

18 REQUESTED DATE: NOVEMBER 25, 2024  
19 TIME: 9:00 A.M.  
20 JUDGE: HON. WILLIAM B. SHUBB

21 STIPULATION

22 Plaintiff, United States of America, by and through its counsel of record, Heiko P. Coppola, and  
23 Defendants Y Thi Nhu Le, by and through her counsel of record, Timote Tuitavuki, and Ben Van  
24 Phan, by and through his counsel of record, Mary Ann F. Bird, (collectively, the “parties”)  
25 hereby stipulate as follows:

26 1. By previous order, this matter was set for status conference on August 19, 2024 at 9:00  
27 a.m. and time was ordered excluded in the interest of justice.

28 2. By this stipulation, the defendants hereby move to continue the status conference to  
November 25, 2024 at 9:00 am because counsel for the defendants need additional time  
to prepare for trial. Specifically, defense counsel need the additional time to continue

1 reviewing the voluminous discovery provided by the United States, to consult with their  
2 clients, to perform legal research, to investigate and otherwise prepare for trial.

3 3. Counsel for the defendants believe that failure to grant the above requested continuance  
4 would deny them the reasonable time necessary for effective preparation, taking into  
5 account the exercise of due diligence, The Government does not object to the  
6 continuance.  
7  
8 4. Based on the above stated findings, the ends of justice served by continuing the case as  
9 requested outweigh the interest of the public and the defendants in a trial within the  
10 original dates prescribed by the Speedy Trial Act.  
11  
12 5. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. section 3161, et  
13 seq, within which trial must commence, the time period of August 19, 2024 to November  
14 25, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. 3161(h)(7)(A),  
15 B(iv)[Local Code T4], because it results from a continuance granted by the Court at the  
16 defendants' request on the basis of the Court's findings that the ends of justice served by  
17 taking such action outweigh the best interest of the public and the defendant in a speedy  
18 trial.  
19  
20 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
21 Speedy Trial Act dictate that additional time periods are excludable from the period  
22 within which a trial must commence.  
23

24 IT IS SO STIPULATED.

Respectfully submitted,

25 Dated: August 12, 2024

PHILLIP A. TALBERT  
United States Attorney

27 BY: /s/ HEIKO P. COPPOLA  
28 HEIKO P. COPPOLA  
Assistant United States Attorney

1 Dated: August 12, 2024

/s/TIMOTE FAKAOFO TUITAVUKI  
TIMOTE FAKAOFO TUITAVUKI  
Attorney for Y Thi Nhu Le

4 Dated: August 12, 2024

/s/ MARY ANN F. BIRD  
MARY ANN F. BIRD  
Attorney for Ben Van Phan

9 **FINDINGS AND ORDER**

11 The matter having come before the Court and for good cause appearing,

12 The Court hereby continues the status conference hearing to November 25, 2024 at 9:00

13 A.M. Time is excluded under the Speedy Trial Act from August 19, 2024 up to and including

15 November 25, 2024 pursuant to 18 U.S.C. 3161(h)(7)(A), B(iv)[Local Code T4] . The ends of

16 justice outweigh the best interests of the public and the defendants in a speedy trial.

17 IT IS SO ORDERED.

18 DATE: August 15, 2024.

19   
20 CHIEF UNITED STATES DISTRICT JUDGE